

Exhibit 3

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on 3/15/99

Gulbrandson

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT application of:)
April Gulbrandson KOHRT) Examiner: H. T. Vo
Serial No. 08/951,754) Art Unit No. 3747
Filed: October 16, 1997)
For: INTAKE AIR HEATER AND)
AIR DELIVERY ASSEMBLY)
FOR ENGINES)
)

Honorable Assistant Commissioner for Patents
Washington, D.C. 20231

DECLARATION OF SAM T. INOUE

I, SAM T. INOUE, declare as follows:

1. I have been employed by Cummins Engine Company (Cummins) from 1977 to the present which included the period covering the design, development and implementation of the subject invention.

2. From 1991 to 1996, I was the Technical Leader for Application Engineering for the Japan market at Cummins. In that position, it was my responsibility to prepare the formal documentation necessary to approve and track all customer-initiated requests for change to a Cummins product. In

the regular course of my business practice, I drafted and tracked product change requests (PCRs) and their associated documentation.

3. Attached at Exhibits A - C are true and accurate copies of a PCR, a PCR Response Form and a PCR Authorization to Start Work. These forms were kept in the regular course of business, and were regularly updated at or near the dates indicated on the forms. Further, as part of my regular practice, the date indicated on each form accurately indicated the date on which the form was released. These forms generally reflect the process leading to the approval of a development project prior to the commencement of engineering design work.

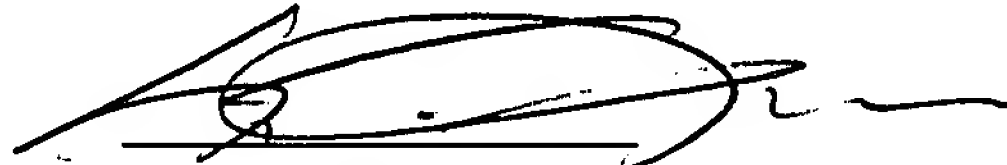
4. The document attached as Exhibit A is a true and accurate copy of a Product Change Request (PCR) form. A PCR is created whenever any change is requested in the design, development or implementation of a Cummins product. In this case, on or about April 21, 1993, a Cummins customer requested that we develop a capability to cold-start our engines without the use of ether. Due to its volatility, ether is not offered in many places around the world and our customer wanted to investigate other options for cold-starting engines.

5. The document attached as Exhibit B is a true and correct copy of a PCR Response Form. The document shows that on April 28, 1993, the Technical Committee approved the Intake Air Heater for engineering development. It also shows that April Kohrt was identified as the lead engineer for the effort.

6. The document attached as Exhibit C is a true and correct copy of a PCR Authorization to Start Work. This document shows that on July 16, 1993, the MidRange Product Change Committee approved the Electric Grid Heater development for engineering evaluation.

7. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 3/9/99


Sam T. Inoue

S. T. Inoue

PRODUCT CHANGE REQUEST (PCR)
AUTHORIZATION TO START WORK

PCR NUMBER: MR2837

DATE: July 16, 1993

REQUESTOR: S T Inoue

CUSTOMER: Komatsu

DESCRIPTION: Electric Grid heater for all C Series construction engines.
The startability should be same as Ether requirement.

This request has been business approved by the MidRange Product Change Committee, and the price and leadtime agreed to by our customer.

This document formally approves work on this project to begin. All work on the Engineering Evaluation should be completed by 10/30/93.

Should situations arise that would cause this date or price to change, that Area Manager should use the Issue Resolution Process defined in the Product Change Request Procedure for resolution of those issues.

MILESTONE/TASK	(DAYS) DUR	PLAN START DATE	PLAN STOP DATE	
-----	----	-----	-----	
ENGINEERING EVALUATION	-	-	10/30/93	
L/P EJER/ER SUBMITTED	-	-	-	
L/P ER RELSD IN CPIF	-	-	-	
SUPPLIER TOOLING READY	-	-	-	
CUMMINS TOOLING READY	-	-	-	
PROCESS CAPABLE/ISIR	-	-	-	PRODUCTION
S.O./FORECAST DEMAND	-	-	-	REQUEST DATE
PROD ENGINE LINESET	-	-	-	12/94

DATE: July 1, 1993

TO : S.Y. YUN

FROM: S.T. Inoue

SUBJECT: REF : REF : REF : MR2837 EVALUATI...

This PCR is scheduled for technical review 4/28/93

PRODUCT CHANGE REQUEST (PCR) - MR KOMATSU Only

PCR NUMBER: MR2837 TITLE: Electric Grid Heater for C

Management Forum: PCC

Date of Request: 4/21/93 Requestor Ref. No.
Engine Model: All C series Application: Various machines

REQUEST TYPE:
: x : New Option/Part : : Cost Reduction
: : Product Improvement : : Problem Correction
: : Existing Option-New Plant/Config : : Engineering Evaluation Only
: : Source Change : : Engineering Evaluation with Cost & Leadtime

REQUEST CATEGORY:
: x : Customer Requested (Outside Cummins) : : Internal (Within Cummins)

Description of Request:
: Electric Grid heater for all C series construction engines.
The startability should be same as Ether requirement.

Benefit to Cummins/Comments: Can meet all customers requirement in the world wide base. Ether can not be accepted many places in the world due to the safety reasons.

Customer's Name: KOMATSU :

Producing Plants		Prototype Requirements		Production Request	
		Date	QTY	Date	Volumes (annual)
Lead	DAP	2/94	2	12/94	300
Second	CDC	N/A		N/A	
Third					

Other Prototype info: :

Options/Part Numbers Affected By This Request: Tb options.

Technical Configurations That Require This Option:
D411001CX02, D412002CX02, D413003CX02 :

Compatibility Information: :
Supporting Documentation Included With This Request: Same as B series
PCR #2773

NPPD&I Program Class: III : Program Name: :
Functional Area Submitting PCR: International Engineering :

Originator's Name: s t inoue : Phone No.: 3883 :
Request Submission Approval: s t inoue : Date: 4/21/93 :
Is This Part Safety Related?: no :

MR2837, A E Response, Electric Grid

Description of Request:

: Electric Grid heater for all C series construction engines.
The startability should be same as Ether requirement.

ADVANCED ENGINEERING

MANUFACTURING COMMENTS:

- ~~~~~
- This appears to be asking for an air heater similar to the one used on CAC engines as today. If any different, following response may change.
 - New TB options must be released.

PROCESS:

- ~~~~~
- Similar to current process used in Assembly with the addition of adding a grid heater to adapt to air crossover tube.

DIRECT LABOR COST:

- ~~~~~
- Additional cost for the heater installation = \$ 00.23 / unit.

EXPENSE COSTS:

- ~~~~~
- Assuming heater will be similar to CAC air heaters and air crossover tubes will be designed similar to IC options, current tooling will work.

CAPITAL COSTS:

- ~~~~~
- No capital funds required.

PRODUCIBILITY ACTIVITIES REQUIRED:

- ~~~~~
- Upon receipt of ISIR parts a four week lead time is associated for process development. (ISIR PROCEDURE)

IMPLEMENTATION TIMING:

- ~~~~~
- Immediate following receipt of METC development, production release, hardware and successful completion of ISIR and Producibility work.

D. J. Abell

RESPONSE TO PCR NO. : MR28 : ENGINE FAMILY : 37 : DATE : :

DESCRIPTION : Electric Grid Heater-C : C/M ASSIGNED: R H Seat :

PRODUCTION DATA (PERMANENT TOOLING PROCESS)

ECC LEADTIME	2 weeks
QUOTE PROCESS LEADTIME	4 "
SUPPLIER TOOLING LEADTIME	20 "
ISIR SAMPLE PARTS LEADTIME	6 "
PROD. PARTS LEADTIME (LAUNCH)	4 "

TOTAL LEADTIME 36 weeks

PIECE PRICE : 35.00 :

CAPTIAL TOOLING COST \$: 70,000 :

COMMENTS : Note: Grid Heater only--- No Control Module, relays, wiring :
: harnesses, sensors etc.... :

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PRE-PRODUCTION DATA (TEMPORARY TOOLING PROCESS)

TEMP. TOOLING LEADTIME	:	:
PRE-PROD. PARTS LEADTIME	:	:
SAMPLE INSPECTION LEADTIME	:	:

TOTAL LEADTIME : :

PIECE PRICE : :

EXPENSE TOOLING COST : :

COMMENTS : :
: :

NOTE: If Pre-Prodution approach is required to meet customer requirements, the tooling cost will be in addition to the permanent tooling and the piece cost premium will be a direct material variance.

DATE: April 29, 1993
TO : Ms. G.K. Grant
FROM: D.M. Virnig
SUBJECT: REF : PCR MR2837 COMMITTEE RESPON...

Gloria,

In PCR tech review, I thought I had given you this date. We will not finish the evaluation until at least 10/30 and it will take 200 hours of design time. THIS IS A BIG DEAL!!!

B

D. M. Virnig

TO: NOR BUSINESS ADMINISTRATOR:

PCR RESPONSE FORM - METC TECHNICAL REVIEW

~~~~~

PCR NUMBER: MR2837 : ORIGINATOR: S.T. Inoue :

TECHNICAL COMMITTEE REVIEW DATE: 4/28/93 : CLASS: 3 :

DESCRIPTION: Electric Grid Heater for all C Series construction engines.  
: The startability should be the same as Ether requirements.  
:  
:

CUSTOMER: Komatsu : APPLICATION: Various :

APPROVAL STATUS - APPROVED TECHNICALLY FEASIBLE: :  
APPROVED EXECUTIVE ENGINEER: :  
REJECTED: : HELD: :  
APPROVED FOR TECHNICAL FEASIBILITY STUDY ONLY: :  
APPROVED FOR ENGINEERING EVALUATION ONLY: XX :  
APPROVED FOR COST STUDY ONLY: :  
CANCELLED: :

IF APPROVED -

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PRODUCTION RELEASE TO BE WRITTEN BY (WHOM): Engineering Evaluation :
: A. Kohrt - 10/30/03 :

PROD. RELEASE SUBMITTED TO METC SPECS BY (WHEN): :
:

PRODUCTION RELEASE COMMIT DATE (ER OUT OF METC): :
:

ESTIMATED TOTAL ENGINEERING COST: \$10,800 + :
:

ENGINEERING LEADTIME / TIMING CONSTRAINTS:
: NOTE: Requires PCC review.
: 200 + Engr. Manhrs. for Engineering Evaluation :

WILL A DCA BE ISSUED? YES: : NO: XX :

IF YES, WHO WILL WRITE THE DCA: :

TO WHAT ENGINEERING GROUP IS WORK BEING ASSIGNED: :
:

IF DIS-APPROVED, REASON FOR REJECTION OR CANCELLATION:

:
:
:

